

**REMARKS**

Claims 1-32 remain pending in the application.

**Allowability of Claims 11 and 23**

The Applicants thank the Examiner for the indicating that claims 10 and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 19 are amended herein to be in independent form, including all of the limitations of the base claim and any intervening claims.

**Drawings**

The Office Action objected to the Formal Drawings filed on July 22, 2004 as allegedly lacking numbering and a label indicating such drawings as a "Replacement Sheet".

Applicants herein are resubmitting the Formal Drawings with the required numbering and the required label "Replacement Sheet". Applicants respectfully request the objection to the drawings be withdrawn.

**35 USC 112 Second Paragraph Rejection of Claims 7, 9, 12 and 21**

The Office Action rejected claims 7, 9, 12 and 21 as allegedly being indefinite under 35 USC 112. In particular, the Examiner alleged that claim 3 contains subject matter that lacks antecedent basis and claims 12 and 21 are unclear.

Claims 7, 9, 12 and 21 are amended herein. It is respectfully submitted that claims 7, 9, 12 and 21 are now in full conformance with 35 USC 112. It is respectfully requested that the 35 USC 112 rejection be withdrawn.

**Claims 1-9, 11, 13-18, 20, 22-30 and 32 over Wagner**

In the Office Action, claims 1-3, 6, 7, 11, 13, 14, 16, 18, 20, 22, 23, 25, 27-29 and 32 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application Pub. No. 2004/0174260 to Wagner ("Wagner"), with claims 4, 5, 8, 9, 15, 17, 24, 26 and 30 rejected under 35 U.S.C.

§103(a) as allegedly being obvious over Wagner. The Applicants respectfully traverse the rejection.

Claims 1-9 recite at least one shipping container sensor adapted to be attached to a shipping container to sense a condition of a first shipping container and a condition of at least one item within the shipping container.

Wagner discloses a system and method to monitor and track assets within a supply-chain (See 0028). Environmental conditions within a shipping container, such as temperature, air pressure, vibrations, humidity, electromagnetic radiation, ionizing radiation that affect an asset are monitored (See 0028).

Thus, Wagner discloses a system and method to monitor and tracks assets within a shipping container. Wagner fails to disclose or suggest tracking of a condition of a shipping container itself, much less disclose or suggest tracking of both the shipping container and a condition of an asset within the shipping container, i.e., at least one shipping container sensor adapted to be attached to a shipping container to sense a condition of a first shipping container and a condition of at least one item within the shipping container, as recited by claims 1-9.

A benefit of sensing a condition of a shipping container is, e.g., national security of items entering a port. Wagner's invention is directed toward tracking environmental conditions associated with assets within transit, such assets include food and pharmaceuticals that are sensitive to environmental conditions (See Wagner, 0050). Thus, Wagner's invention is unconcerned with national security issues. Sensing a condition of a shipping container can sense, e.g., opening of shipping container doors during transit. Opening of shipping container doors during transit could signify contraband being added to a shipping container after it has left port. Such contraband could potentially be dangerous and require investigation in view of national security concerns. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Claims 11, 13-18, 20 and 22-27 recite a system and method of transmitting sensor data to a ship's bridge if at least one of a first shipping container and a second shipping container detects a hazard.

Wagner discloses a shipping communication unit 350 on top of a ship's bridge that environmental conditions within a shipping container are relayed to a central monitoring station 160 (See Figs. 4 and 5). However, Wagner fails to disclose or suggest the environmental conditions within the shipping container are ever made available to the ship, i.e., are never transmitted to a ship's bridge if at least one of a first shipping container and a second shipping container detects a hazard, as recited by claims 11, 13-18, 20 and 22-27.

A benefit of transmitting sensor data to a ship's bridge if at least one of a first shipping container and a second shipping container detects a hazard is, e.g., notifying a crew of a ship of a hazardous condition aboard the ship. As discussed above, Wagner is unconcerned with national security. Wagner relies on a central monitoring station to collect environmental conditions associated with assets within transit. However, if Wagner's shipping communication unit 350 becomes inoperative of any reason, the ship's crew would never be alerted to the hazardous condition. Thus, transmitting sensor data to a ship's bridge allows a crew of a ship to be alerted to a hazard and act accordingly. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Claims 28-30 recite a shipping container tracking system that transmits sensor data using one of a satellite communication adapter and a radio adapter, and if a transmission of the sensor data fails using one of the satellite communication adapter and the radio adapter, the shipping container tracking system transmits sensor data using an other of the satellite communication adapter and the radio adapter.

Wagner discloses various forms of communication from a shipping container, e.g., satellite communications 370 or cellular communications (See 0051). Thus, Wagner only discloses use of ONE transmitter for a shipping

container, with alternates listed, NOT disclosing or suggesting a shipping container simultaneously having two types of transmitters, i.e., radio and satellite, much less using one as a backup for the other if communication fails with any one, i.e., a shipping container tracking system that transmits sensor data using one of a satellite communication adapter and a radio adapter, and if a transmission of the sensor data fails using one of the satellite communication adapter and the radio adapter, the shipping container tracking system transmits sensor data using an other of the satellite communication adapter and the radio adapter, as recited by claims 28-30.

Moreover, as discussed above, Wagner relies on a central monitoring station to collect environmental conditions associated with assets within transit. Wagner's non-critical application of monitoring assets within a shipping container can wait for a repair if a transmitter malfunctions since a lack of ability to convey an unwanted condition within a shipping container only resorts the shipping system to a convention method of shipping an item from a source to a destination. Thus, Wagner is unconcerned with a critical application, such as national security, and thus fails to disclose or suggest a need for any type of redundancy.

Claim 32 recites a satellite transmitter on a top of a shipping container housing; a radio transmitter on a side of the shipping container housing, and a Global Positioning System (GPS) satellite receiver on the top of the shipping container housing.

As discussed above, Wagner discloses a single transmitted attached to a shipping container NOT two types of transmitters simultaneously, much less two types of transmitters and a GPS receiver, i.e., a satellite transmitter on a top of a shipping container housing; a radio transmitter on a side of the shipping container housing, and a Global Positioning System (GPS) satellite receiver on the top of the shipping container housing, as recited by claim 32.

A benefit of having two types of transmitters on a shipping container is, e.g., redundancy. If any one transmitter fails to make a connection,

be it for distance, interference, equipment failure, etc., a backup communication system is available to communication a hazardous condition. As discussed above, in applications that address national security, such redundancy is crucial to communication a hazardous condition to an appropriate party. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 1-9, 11, 13-18, 20, 22-30 and 32 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

  
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